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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).


4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 6, 2003

Date _____

Telephone
Number: (404) 888-7462


Signature

Signature

Thomas McGurk

Typed or printed name

P.O. Box 7037

Address

Atlanta, Georgia 30357

Enclosures: ☒ Fee Payment

XX Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ Declaration of Applicant's Attorney, copy of cover sheet of Office Action

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)] 7/1/02.

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate

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FEB 1 2 2003

OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

2/6/03
Date

Thomas B. McGurk
Signature

Thomas B. McGurk
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Applicants submit that the Office Action was never received before the application had gone abandoned, as evidenced by the Declaration of Steven D. Kerr, Esq., attorney for Applicants, and the docket record of Applicants' attorneys for July 1, 2002, which clearly shows that no entry was made for a deadline for a response to the Office Action. Applicants further submit that the entire delay in replying to the Office Action was unavoidable due to the failure to receive the Office Action until January 22, 2003, when a copy of the Office Action was sent by facsimile from the Patent Office.

(Please attach additional sheets if additional space is necessary)

RECEIVED**FEB 12 2003****OFFICE OF PETITIONS**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Abell et al,

Serial No: 09/557,495

Filed: April 24, 2000

Confirmation No: 7643

For: METHOD AND APPARATUS
FOR DELIVERING A
COLONIC LAVAGE

Examiner: Maynard, Jennifer J.

Art Unit 3763

Docket No: P093 1020A

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FEB 12 2003

OFFICE OF PETITIONS

DECLARATION OF STEVEN D. KERR IN SUPPORT OF PETITION

TO REVIVE UNAVOIDABLY ABANDONED APPLICATION

UNDER 37 C.F.R. § 1.137(a)

I, STEVEN D. KERR, declare that:

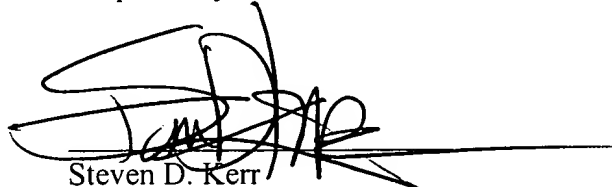
1. I am an attorney of record in the above-referenced patent application.
2. It is my belief, after reasonable investigation, that the Office Action mailed April 1, 2002, and identified as paper no. 5 in the above application was never received by me or my firm before the application was abandoned for failure to respond. A search of the file jacket of this application and a search of the firm's docket records indicate that there is no copy of the Office Action in the file nor is the Office Action noted on the file jacket, which is the practice of my firm upon receiving an official action. It is also the practice of my firm to enter every official action into our computerized docket system and, in this case, no such entry was made.

3. A copy of the docket record for July 1, 2002, showing actions due on that date is provided herewith, pursuant to M.P.E.P. 711.03(c). The docket record indicates that no entry was made for a response to an Office Action for this application, even though the shortened statutory period for reply set forth in the Office Action was to expire on this date.

4. The Office Action was not received by my firm until January 22, 2003, when a copy was sent by facsimile from the Patent Office.

5. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven D. Kerr', is written over a horizontal line.

Steven D. Kerr
Reg. No. 32,472
Attorney for Applicants

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
Post Office Box 7037
Atlanta, Georgia 30357-0037
(404) 888-7524 (telephone)
(404) 870-8174 (facsimile)

Docket No. P093 1020A

ATLANTA 339948v1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,493	04/24/2000	Roy Abell	P093 1020 (38379.0003.3)	7643

7590

04/01/2002

Judy C Jarecki-Black PhD
Womble Carlyle Sandridge & Rice PLLC
Ste 3500 One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309

EXAMINER

MAYNARD, JENNIFER J

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 04/01/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

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MASTER FILE REPORT

PCMASTER REPORTER

02/06/2003 14 58

PAGE: 1



Actions Due Report

02/06/2003

Action Due Date	Action	Docket Number	Ctry Code	App No. Pat. No.	App Dt. Issue Dt.	Attorney Client/Div
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07/01/2002 IDS DUE
Title: ANTIBIOTIC COMPOSITIONS AND DELIVERY DEVICES FOR THE TREATME
Action Notes:

U022 1040.1

US

10/113,615

04/01/2002

DSS U022

07/01/2002 1st Office Action
Title: PHARMACEUTICAL COMPOSITIONS FOR PREVENTION AND TREATMENT OF
Action Notes:

T103 1180.1

US

08/631,761

04/23/1996

DSS T103

07/01/2002 US-11 1/2YR MTN
Title:
Action Notes: Due Date

C002 1046

US

07/388,604
4,981,091

08/01/1989
01/01/1991

JFV C002

07/01/2002 Notice Of Missing Parts
Title: ARCHITECTURAL SOUND ENHANCEMENT WITH DTMF CONTROL
Action Notes:

A148 1730.1

US

10/109,188

03/28/2002

SDK A148

07/01/2002 Notice Of Missing Parts
Title: ARCHITECTURAL SOUND ENHANCEMENT WITH PRE-FITTED MASKING SOUN
Action Notes:

A148 1700.1

US

10/109,137

03/28/2002

SDK A148

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RUN LOG SUMMARY

PCMASTER REPORTER

02/06/2003 14 58

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WCS Action Listing by Due Date
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AND
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T(54) 02/06/2003 LINE LINE

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5 TOTAL RECORDS REPORTED

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Actions Due Report

02/06/2003

Action Due Date	Action	Docket Number	Ctry Code	App No. Pat. No.	App Dt. Issue Dt.	Attorney Client/Div
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07/01/2002	Instructions due to assoc.	T103 1331EP	EP	00957516.8	08/17/2000	DSS T103
Title: PHARMACEUTICAL COMPOSITIONS AND METHODS FOR USE						
Action Notes: Due Date re filing of coluntary amendment						

07/01/2002	ANNUITY - 1 YEAR PRIOR TO TAX DUE	T002 2030CA	CA	2,336,036	07/01/1999	JFV T002
Title: HEATING ASSEMBLY & COOKING APPARATUS						
Action Notes: Calculate next annuity						

RUN LOG SUMMARY

PCMASTER REPORTER

02/06/2003 15 01

PAGE: 1

REPORT - WCS Action List
WCS Action Listing by Due Date
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AND (EXR.STATUS NOT = 'I'))

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